

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

RODNEY MUSICH
Claimant

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**APPEAL 21A-UI-15650-ED-T
ADMINISTRATIVE LAW JUDGE
DECISION**

**OC: 04/05/20
Claimant: Appellant (2)**

Iowa Code § 96.3(7) – Recovery of Benefit Overpayment

STATEMENT OF THE CASE:

Claimant filed an appeal from the June 3, 2021 (reference 05) unemployment insurance decision that found claimant was overpaid regular unemployment insurance (UI) benefits. Claimant was properly notified of the hearing. A telephone hearing was held on October 7, 2021. Claimant participated. Claimant's exhibits were admitted. Official notice was taken of the administrative record.

ISSUE:

Whether claimant is overpaid UI.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed for and has received UI in the gross amount of \$2,516.20 for the date ending September 19, 2020. The unemployment insurance decision that disqualified claimant from receiving unemployment insurance benefits (and resulted in the overpayment) has NOT been affirmed.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes:

Iowa Code section 96.3(7) states:

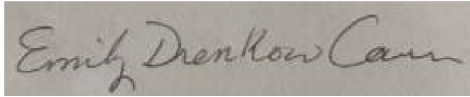
7. Recovery of overpayment of benefits.

a. If an individual receives benefits for which the individual is subsequently determined to be ineligible, even though the individual acts in good faith and is not otherwise at fault, the benefits shall be recovered. The department in its discretion may recover the overpayment of benefits either by having a sum equal to the overpayment deducted from any future benefits payable to the individual or by having the individual pay to the department a sum equal to the overpayment.

Because claimant's separation was not disqualifying, benefits were paid to which claimant was not entitled. The administrative law judge concludes that the claimant has not been overpaid UI in the amount stated in the findings of fact above.

DECISION:

The June 3, 2021 (reference 05) unemployment insurance decision is reversed. Claimant has not been overpaid regular unemployment insurance benefits in the amount of \$2,516.20.



Emily Drenkow Carr
Administrative Law Judge
Unemployment Insurance Appeals Bureau
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Des Moines, Iowa 50319-0209
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November 10, 2021
Decision Dated and Mailed

ed/kmj